



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

BIA-2019-00682

August 16, 2019

DEPT MR 69611
411A Highland Ave
Somerville, MA 02144-2516

Dear Russ Kick:

Indian Affairs received your Freedom of Information Act (FOIA) request, dated February 24, 2019, on February 25, 2019; and assigned it control number BIA-2019-00682. Please cite this number in any future communications with our office regarding your request.

Your request was for the Indian Affairs "FOIA request log covering 2018".

We have attached approximately 120 pages, which are being released to you in part. Portions of these materials are being withheld under the following FOIA Exemption.

Exemption 6

Exemption 6 allows an agency to withhold "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6). We are withholding approximately 33 pages in part under Exemption 6.

The phrase "similar files" covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency's performance of its statutory duties or otherwise let citizens know what their government is up to. The burden is on the requester to establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which is the greater result of disclosure: the harm to personal privacy or the benefit to the

public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

The information that has been withheld under Exemption 6 regards names, dates of birth and dates of death of private citizens, and we have determined that the individuals to whom this information pertains have a substantial privacy interest in withholding it. Additionally, we have determined that the disclosure of this information would shed little or no light on the performance of the agency's statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of this individual and we are withholding it under Exemption 6.

We reasonably foresee that disclosure would harm an interest protected by one of the exemptions to the FOIA's general rule of disclosure.

Kelly Meacham, Government Information Specialist, is responsible for this partial denial. Christopher King, Attorney-Advisors in the Office of the Solicitor was consulted.

We do not bill requesters for FOIA processing fees when their fees are less than \$50.00, because the cost of collection would be greater than the fee collected. See 43 CFR § 2.37(q). Therefore, there is no billable fee for the processing of this request.

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal no later than 90 workdays from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the Indian Affairs' response is in error. You must also include with your appeal all correspondence between you and Indian Affairs concerning your FOIA request, including your original FOIA request and Indian Affairs' response. Failure to include with your appeal all correspondence between you and Indian Affairs will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information

Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, DC 20240

Attn: FOIA/Privacy Act Appeals Office

Telephone: (202) 208-5339

Fax: (202) 208-6677

Email: FOIA.Appeals@sol.doi.gov

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See 5 U.S.C. 552(c). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road – OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer. If you have any questions about or response to your request, you may contact Kelly Meacham by phone at 202-513-7707, by email at kelly.meacham@bia.gov or by mail at 1849 C Street, NW, Office 4146 MIB, Washington, DC 20240.

You also may seek dispute resolution services from our Acting FOIA Public Liaison, Heather Garcia by phone at 202-208-3135 by email at foia@bia.gov or by mail at 1849 C Street, NW, MS-4658-MIB, Washington, DC 20240.

Sincerely,



Kelly Meacham
Government Information Specialist
Office of the Assistant Secretary – Indian Affairs